

2015 SESSION

ADDITIONAL DOCUMENTS

Business Page
[Signed by Chairman]
Roll Call
Standing Committee Reports
Tabled Bills
Fiscal Reports
Rolls Call Votes
Proxy Forms
Visitor Registrations

*Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.

*Witness Statements that were not presented as exhibits.

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BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

HOUSE JUDICIARY COMMITTEE

Date: Thursday, February 19, 2015

Place: Capitol

Time: 8:00 AM

Room: 137

BILLS and RESOLUTIONS HEARD:

HB 443 - Generally revise privacy laws - Rep. Daniel Zolnikov

HB 444 - Generally revising laws related to electronic communications - Rep. Daniel Zolnikov

HB 445 - Requiring search warrant for gov access to electronic devices - Rep. Daniel Zolnikov

HB 490 - Providing restrictions for the use of long-term solitary confinement - Rep. Jennifer Eck

HB 516 - Revise petition for DNA testing laws - Rep. Margaret (Margie) MacDonald

HB 518 - Revise laws related to search warrants - Rep. Ron Ehli

HB 530 - Generally revise criminal law for restoring rights to possess firearms - Rep. Ellie

Boldman Hill

EXECUTIVE ACTION TAKEN:

HB 320 - Do pass as amended

HB 410 - Do pass as amended

HB 457 - Do pass

HB 535 - Do pass

Comments:

RER. Gerald (Jerry) Bennett, Chair



MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE ROLL CALL

NAME	PRESENT	ABSENT/EXCUSED
REP. ALAN DOANE, VICE CHAIRMAN	X	
REP. VIRGINIA COURT, VICE CHAIR		X
REP. KATHY KELKER	X	
REP. SETH BERGLEE	X	
REP. RANDALL PINOCCI	Y_	
REP. CLAYTON FISCUS	X	
REP. JENNY ECK		X
REP. ZAC PERRY	X	
REP. MATTHEW MONFORTON	X	
REP. MARGIE MACDONALD		\times
REP. ELLIE BOLDMAN HILL		X
REP. CAROLYN PEASE-LOPEZ		X
REP. SARAH LASZLOFFY	X_	
REP. THERESA MANZELLA	X	
REP. NATE MCCONNELL	X	
REP. STEPHANIE HESS	X	
REP. G. BRUCE MEYERS	X	
REP. KIRK WAGONER	X	
REP. ANDREW PERSON	X	
REP. KEITH REGIER	\sim	
REP. JERRY BENNETT, CHAIRMAN	X	



HOUSE STANDING COMMITTEE REPORT

February 19, 2015 Page 1 of 1

Mr. Speaker:

We, your committee on Judiciary recommend that House Bill 320 (first reading copy -- white) do pass as amended.

Signed: Serald Jerry) Bennett, Chair

And, that such amendments read:

1. Page 1, line 29.

Strike: "for a period of time set"

Following: "trustees"

Insert: "for a period of up to 1 year"

2. Page 3, line 10.

Strike: "9201"
Insert: "921"

3. Page 3, line 16.

Strike: "school as defined in 20-6-501"

Insert: "K-12 public school"

- END -

Committee Vote: Yes 12, No 9

Fiscal Note Required ___

HB0320001SC.hbb

Dialips



HOUSE STANDING COMMITTEE REPORT

February 19, 2015 Page 1 of 4

Mr. Speaker:

We, your committee on Judiciary recommend that House Bill 410 (first reading copy -- white) do pass as amended.

Signed: Representative Gerald (Jerry) Bennett, Chair

And, that such amendments read:

1. Title, page 1, line 4.

Strike: "OLDER"

Insert: "INCAPACITATED"

2. Title, page 1, line 7.

Strike: "OLDER"

Insert: "INCAPACITATED"

3. Title, page 1, line 8. Following: "DISABILITIES"

Insert: "; CREATING THE OFFENSE OF EXPLOITATION OF AN

INCAPACITATED PERSON OR DEVELOPMENTALLY DISABLED PERSON; PROVIDING PENALTIES; AND AMENDING SECTION 52-3-825, MCA"

4. Page 1, line 12.

Strike: "older"

Insert: "incapacitated"

5. Page 1, line 15.

Strike: "older"

Insert: "incapacitated"

6. Page 1, line 18.

Strike: "52-3-825"
Insert: "[section 2]"

Committee Vote:

Yes 11, No 10

Fiscal Note Required

HB0410001SC.hbb

5/4/2

7. Page 1, line 19.

Strike: "older"

Insert: "incapacitated"

8. Page 1, line 20.

Strike: "52-3-825"

Insert: "[section 2]"

9. Page 1, line 23.

Strike: "older"

Insert: "incapacitated"

10. Page 3, line 5.

Strike: ""older person""

Insert: ""incapacitated person""

Strike: "52-3-803" Insert: "72-5-101"

11. Page 3, line 6. Following: line 6

"NEW SECTION. Section 2. Exploitation of incapacitated person or person with developmental disability. (1) A person commits the offense of exploitation of an incapacitated person or a person with a development disability if the person:

- (a) purposely or knowingly obtains or uses or attempts to obtain or use an incapacitated person's or developmentally disabled person's funds, assets, or property with the intent to temporarily or permanently deprive the incapacitated person or developmentally disabled person of the use, benefit, or possession of funds, assets, or property or to benefit someone other than the incapacitated person or developmentally disabled person; and
- (b)(i) stands in a position of trust or confidence with the incapacitated person or developmentally disabled person; or
- (ii) has a business relationship with the incapacitated person or developmentally disabled person.
- (2) A person commits the offense of exploitation of an incapacitated person or a person with a developmental disability if the person:
- (a) purposely or knowingly obtains personal identifying information of another person and uses that information for any unlawful purpose, including to obtain or attempt to obtain credit, goods, services, financial information, or medical information in the name of the other person without the consent of the other person; and
- (b)(i) stands in a position of trust or confidence with the incapacitated person or developmentally disabled person; or
- (ii) has a business relationship with the incapacitated person or developmentally disabled person.
 - (3) A person convicted of the offense of exploitation of an

incapacitated person or a person with a developmental disability shall be fined an amount not to exceed \$10,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both.

- (4) As used in this section:
- (a) "developmental disability" has the meaning provided in 53-20-102; and
- (b) "incapacitated person" has the meaning provided in 72-5-101.
- Insert: "Section 3. Section 52-3-825, MCA, is amended to read: "52-3-825. Penalties. (1) A person who purposely or knowingly fails to make a report required by 52-3-811 or discloses or fails to disclose the contents of a case record or report in violation of 52-3-813 is guilty of an offense and upon conviction is punishable as provided in 46-18-212.
- (2) (a) A person who purposely or knowingly abuses, sexually abuses, or neglects an older person or a person with a developmental disability is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed \$10,000, or both.
- (b) (i) A person who negligently abuses an older person or a person with a developmental disability is guilty of a misdemeanor and upon a first conviction shall be fined an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.
- (ii) Upon a second or subsequent conviction of the conduct described in subsection (2)(b)(i), the person is guilty of a felony and shall be imprisoned for a term not to exceed 10 years and be fined an amount not to exceed \$10,000, or both.
- (c) A person with a developmental disability may not be charged under subsection (2)(a) or (2)(b).
- (3) (a) A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of \$1,000 or less in value shall be fined an amount not more than \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of more than \$1,000 but less than \$25,000 in value shall be fined an amount not more than \$50,000 or be imprisoned in a state prison for a term not to exceed 10 years, or both. A person convicted of purposely or knowingly exploiting an older person or a person with a developmental disability in a case involving money, assets, or property in an amount of \$25,000 or more in value shall be fined an amount not more than \$50,000 or be imprisoned in a state prison for a term of not less than 1 year and not more than 10 years, or both.
- (b) For purposes of prosecution under subsection (3)(a) in a case involving the same transaction or in a case prosecuted pursuant to a common scheme, the amounts may be aggregated in determining the value involved."

Renumber: subsequent sections

12. Page 3, line 8.

Following: "instruction."

Insert: "(1)"

13. Page 3, line 9. Following: line 9

Insert: "(2) [Section 2] is intended to be codified as an
 integral part of Title 45, chapter 6, part 3, and the
 provisions of Title 45, chapter 6, part 3, apply to [section 2].

- END -



HOUSE STANDING COMMITTEE REPORT

February 19, 2015 Page 1 of 1

Mr. Speaker:

We, your committee on Judiciary recommend that House Bill 535 (first reading copy -- white) do pass.

Signed

Representative Gerald (Jerry) Bennett, Chair

- END -

Committee Vote:
Yes 11, No 10
Fiscal Note Required X

HB0535002SC.hbb

2/2016 2/2016



HOUSE STANDING COMMITTEE REPORT

February 19, 2015 Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 457** (first reading copy -- white) **do pass**.

Signed: Representative Gerald (Jerry) Bennett, Chair

- END -

Committee Vote:
Yes 12, No 9
Fiscal Note Required X

HB0457001SC.hbb

2/20/50



MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE ROLL CALL VOTE

BILL NUMBER HB	320	
MOTION DO PASS	A6	Amended

DATE 2/19/15

B.T.A.B. C.T.			
NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	4		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	V	-	
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		V	
REP. ZAC PERRY		\varphi	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		V.	
REP. ELLIE BOLDMAN HILL		×	
REP. CAROLYN PEASE-LOPEZ		V.	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		×	
REP. STEPHANIE HESS	\checkmark		
REP. G. BRUCE MEYERS	X		Z
REP. KIRK WAGONER	Ź	-	
REP. ANDREW PERSON		V .	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		
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MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE ROLL CALL VOTE

BILL NUMBER HB 410	DATE 2/19/16	
MOTION Be Amended - 4B041002. AHT		

NAME	AYE	NO	DDOXXX
REP. ALAN DOANE, VICE CHAIRMAN	AIL	110	PROXY
REP. VIRGINIA COURT, VICE CHAIR	/	V .	-
REP. KATHY KELKER			
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	V		
REP. JENNY ECK		W:	
REP. ZAC PERRY		\vee	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		V	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ	_	X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		X	
REP. STEPHANIE HESS	X		4.
REP. G. BRUCE MEYERS	X.		X
REP. KIRK WAGONER	V		
REP. ANDREW PERSON		× .	
REP. KEITH REGIER	X		
REP. JERRY BENNETT, CHAIRMAN	X		



MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE ROLL CALL VOTE

BILL NUMBER 400		DATE 2/	DATE 2/19/16		
MOTION BE AMENDED-HBO					
NAME	AYE	NO	PROXY		
REP. ALAN DOANE, VICE CHAIRMAN	\sim		11(0211		
REP. VIRGINIA COURT, VICE CHAIR	×				
REP. KATHY KELKER	Ż				
REP. SETH BERGLEE	$\stackrel{\smile}{\sim}$				
REP. RANDALL PINOCCI	V				
REP. CLAYTON FISCUS	V		/		
REP. JENNY ECK	X				
REP. ZAC PERRY	X				
REP. MATTHEW MONFORTON	X				
REP. MARGIE MACDONALD	X				
REP. ELLIE BOLDMAN HILL	\				
REP. CAROLYN PEASE-LOPEZ	Ž				
REP. SARAH LASZLOFFY	× V				
REP. THERESA MANZELLA	X	· .			
REP. NATE MCCONNELL		V			
REP. STEPHANIE HESS		9			
REP. G. BRUCE MEYERS	\				
REP. KIRK WAGONER	X				
REP. ANDREW PERSON		V			
REP. KEITH REGIER	X				
REP. JERRY BENNETT, CHAIRMAN					



MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE ROLL CALL VOTE

BILL NUMBER HB410 MOTION DO PASS AS AMENDED		DATE 2/	19/15
MOTION DO Pass As Amendro			
NAME	AYE	NO	PROXY

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER	X		
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X	·	
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X	
REP. ZAC PERRY			
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		V	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X	-	
REP. NATE MCCONNELL		×	
REP. STEPHANIE HESS		×	
REP. G. BRUCE MEYERS	X		V
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		V	
REP. KEITH REGIER	\mathcal{L}		
REP. JERRY BENNETT, CHAIRMAN		Y .	



MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE ROLL CALL VOTE

BILL NUMBER HB 457	DATE 2/19/16
MOTION DO POSS	

NAME	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	\times		
REP. VIRGINIA COURT, VICE CHAIR		X	
REP. KATHY KELKER		V	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X.	
REP. ZAC PERRY		Ž	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X.	,
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL		V	
REP. STEPHANIE HESS	X	,	
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER			X
REP. JERRY BENNETT, CHAIRMAN	X		



MONTANA HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE ROLL CALL VOTE

BILL NUMBER HB 635	DATE 2/19/15
MOTION DO POSS	
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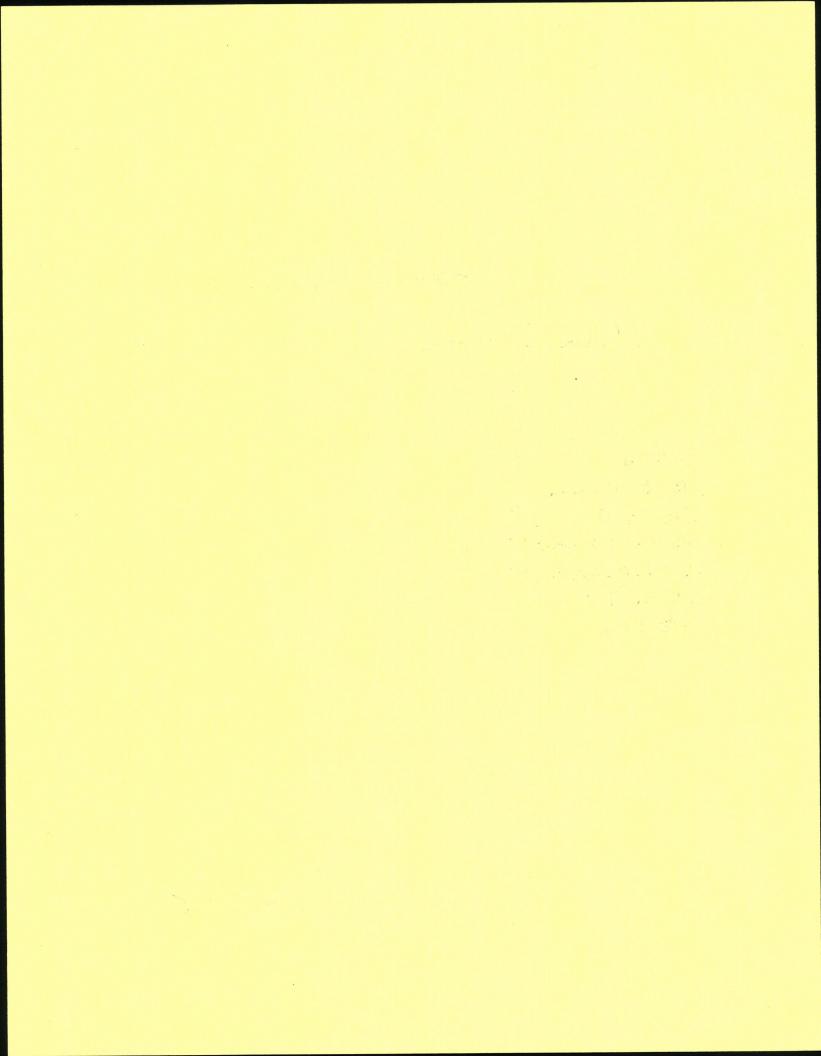
NAME	A VIII	NIO	DDOXXX
	AYE	NO	PROXY
REP. ALAN DOANE, VICE CHAIRMAN	X	*	· .
REP. VIRGINIA COURT, VICE CHAIR		\sim	
REP. KATHY KELKER	_	X	
REP. SETH BERGLEE	X		
REP. RANDALL PINOCCI	X		
REP. CLAYTON FISCUS	X		
REP. JENNY ECK		X.	
REP. ZAC PERRY		X .	
REP. MATTHEW MONFORTON	X		
REP. MARGIE MACDONALD		X	
REP. ELLIE BOLDMAN HILL		X	
REP. CAROLYN PEASE-LOPEZ		X	
REP. SARAH LASZLOFFY	X		
REP. THERESA MANZELLA	X		
REP. NATE MCCONNELL	_	X	
REP. STEPHANIE HESS	X		,
REP. G. BRUCE MEYERS	X		X
REP. KIRK WAGONER	X		
REP. ANDREW PERSON		X	
REP. KEITH REGIER	X		X
REP. JERRY BENNETT, CHAIRMAN		<i>y</i> .	



MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from	the	H	oru	sc c	146	icias	4	
Committee because of other of	commitm	nents.	I desire	-			7	
Indicate Bill number and you number under the bill and in	r vote A	ye or N	o. If the	ere are am for each a	endments mendme	s, list then nt.	n by na	me and
BILL/AMENDMENT	AYE	NO		BILL/AMI	ENDMEN	Т	AYE	NO
HB 320								
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HB 410	V							
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HB041003,aHt	-							
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Rep. (Signature)	eye	V		Da	ate	-19	-15	_

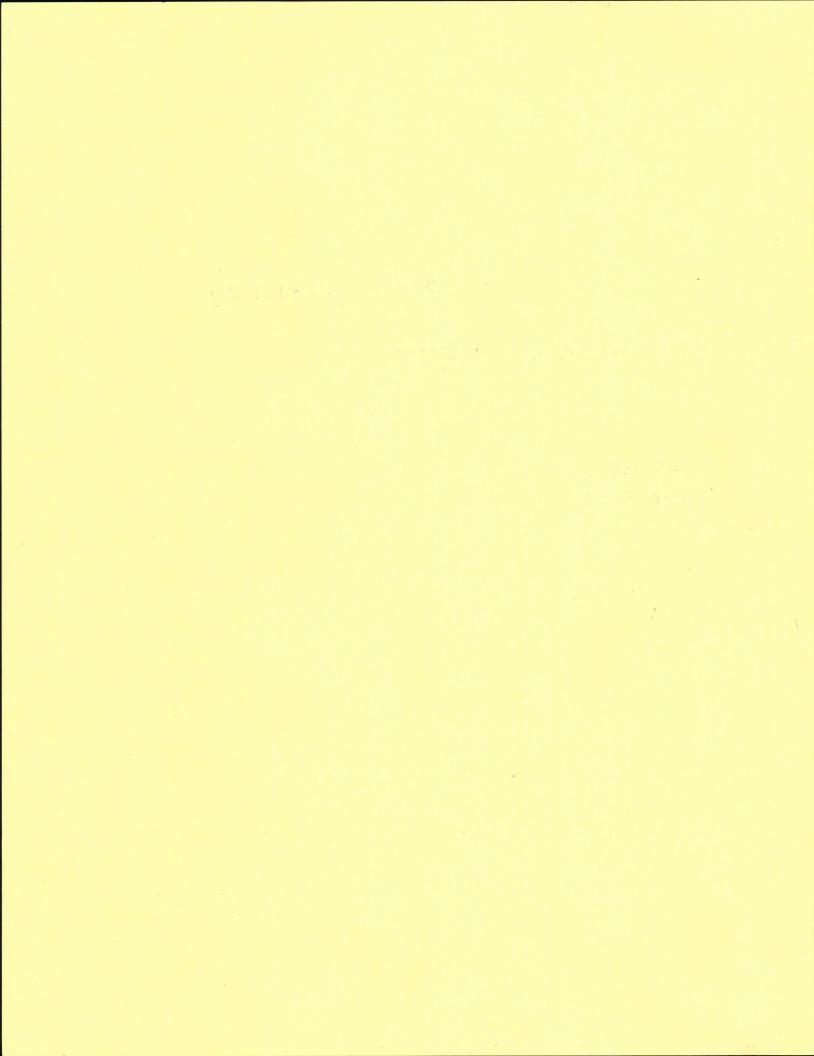




MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused	d from the Ho	use Judiciary	
		desire to leave my proxy vote with:	
A	th Don	cesire to leave my proxy vote with.	
Indicate Bill number a	and your vote Aye or No	o. If there are amendments, list then the vote for each amendment.	n by name and
BILL/AMENDMENT	AYE NO	BILL/AMENDMENT	AYE NO
1+B 457	V		
1+8 535	v		
Rep. (Signature)	Regin	Date 2-19-	-15



Thursday, February 19, 2015 HB 516 - Revise petition for DNA testing laws Sponsor: Rep. Margaret (Margie) MacDonald

PLEASE PRINT

Name	Representing	Support	Oppose	Info
MARK MURPUV	MCAA		V.	
MARK MURPHY Kugan Flaherty	MT INNOUNCE PHONET	X.		
Michelle Feldman	MT innocence project National innocence Anject	T X		ı
Niki Zuranic	ACLU	1		
Assigni St. Lawreno	Mont Innerence Project	Χ		
Anigail St. Lawrence	MADSV			
Pall Hast	Cilizue	X	·	
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Thursday, February 19, 2015 HB 518 - Revise laws related to search warrants Sponsor: Rep. Ron Ehli

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PLEASE PRINT		T	ī	ı
Name	Representing	Support	Oppose	Info
Bull Felbright Tim Smith	Maralli Co. Attory			
Jim SniNh	MIPSA			
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Thursday, February 19, 2015

HB 490 - Providing restrictions for the use of long-term solitary confinement Sponsor: Rep. Jennifer Eck

Sponsor. Nep. Jennier Eci

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Name	Representing	Support	Oppose	Info
IN Jacone	Citiser	X		
Conforme Conformation	080		X	
Beth Breynone	DOC		X	
Beth Breynomen	Deability Rights MIT	X		35
Niki Zupanic	ACLU			
WELKRAWCZYK	Self	1/		
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Thursday, February 19, 2015

HB 445 - Requiring search warrant for gov access to electronic devices

Sponsor: Rep. Daniel Zolnikov

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PLEASE PRINT	I	T		Τ
Name	Representing	Support	Oppose	Info
MARK MURAN	MCAR MACOP		X	
MARK MURPHY Jerry Williams Miki Enpanie	MAPA		V	
Aliki Enpanio	ACLIE			
CART MARBLET	M 55A	V		
Dang NULLE	SELF			
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Thursday, February 19, 2015
HB 444 - Generally revising laws related to electronic communications
Sponsor: Rep. Daniel Zolnikov

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Name	Bonnesontino	0 1		
A M	Representing	Support	Oppose	Info
Oc OSu	MI W		\sim	
Culett Kolman	DPHHS			U
Miki Znoame	ACLU	/		
Dun Williams	MLS		/	X
Govek Shin	men		V	
COARY MARBUT	MSSA	X		
DOUG NULLE	SELF	X		
WES KRAWCZYK	Celf	X		
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Thursday, February 19, 2015 HB 443 - Generally revise privacy laws

Sponsor: Rep. Daniel Zolnikov

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PLEASE PRINT Name	Representing	Support	Oppose	Info
de Oson	MIDOT	Спрого	7/	
	MCAA MACOP		1/	
MARK MURPHY Jeory Williams	MPPA			
Paulotte Kohman	DAHHS			10
Spark Stan	mem		1/	
WESKRAWOUK	Self	1/		
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Thursday, February 19, 2015 HB 443 - Generally revise privacy laws

Sponsor: Rep. Daniel Zolnikov

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PLEASE PRINT	I		T	·
Name	Representing	Support	Oppose	Info
MARK MURPHY	MCAA		X	
MARK MURPHY Jerry Williams	MAPA		X	
Paulette Koliman	DPHHS			
Niki Enpanic	ACLU	/		
Dugne Williams	MDT-INCS			+
WEST KRAWCZYK	MDT-INCS Self			
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				ž v

Thursday, February 19, 2015

HB 530 - Generally revise criminal law for restoring rights to possess firearms Sponsor: Rep. Ellie Boldman Hill

PLEASE PRINT

PLEASE PRINT		T_		T
Name	Representing	Support	Oppose	Info
CARY MARBUT	M551+		X	
Godi Tream	MSSH Ciliser		# X	-
Doil BULLE	40-C	7	X	
Mily Supanic	ACLU	14/		
MARK MURDIN	MCAA	V-7		
GARY MARBLET BONG NUMB Mily Supanic MARK MURDINI MAKKAR	MAMI Monton			X
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